

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.:	10/529,577	Confirmation No.:	7884
Applicant(s):	Leppanen et al.		
Filed:	03/30/2005		
Art Unit:	2446		
Examiner:	Sulaiman Nooristany		
Title:	COMMUNICATION SYSTEM		

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**REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)**

This Reply Brief is filed in response to the Examiner's Answer mailed on November 23, 2010, the Examiner's Answer being in response to an Appeal Brief filed September 13, 2010. This Reply Brief addresses various points raised by the Examiner's Answer.

**7. Appellant's Arguments**

As explained in the Appeal Brief, independent claims 1, 21, 23, 24, 27, 28, 50, 51, and 52 and their respective dependent claims, are patentably distinct from the cited combination relying upon U.S. Patent No. 6,993,327 to Mathis (hereinafter "Mathis") with U.S. Patent Publication No. 2003/0009530 to Philonenko (hereinafter "Philonenko"). Accordingly, Appellants respectfully request that the aforementioned rejection be reversed.

In reply to the Examiner's Answer, Appellants again submit that the cited references, in any combination, fail teach or suggest the recited features of the claims. The Examiner's Answer, in large part, repeats the same recitations used in the final Office Action in rejecting the currently pending claims. As such, Appellants respectfully submit that since the Appeal Brief points out the flaws in the Examiner's reasoning with respect to these rejections, no further discussion of the issues previously addressed in the Appeal Brief need be presented herein. Rather, Appellant will direct the comments presented herein toward responding to specific assertions from the "Response to Argument" section of the Examiner's Answer (pages 20-25).

**10. In Reply to Examiner's Response to Argument (Item 10).**

Appellants submit that arguments provided in the Appeal Brief are not overcome by the responses included in the Examiner's Answer. Appellants provide the following to further address some of the arguments at issue in this appeal.

The Office Action and now the Examiners' Answer support the rejection of claims 1, 11-17, 19, 21-25, and 27-65 by indicating that these claims are unpatentable under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,993,327 to Mathis in combination with U.S. Patent Application No. 2003/0009530 to Philonenko. However, as stated in Appellant's Appeal Brief, this cited combination fails to teach or suggest all of the elements of the claims and the claimed invention is not an obvious variant of the cited combination.

Independent claim 1 recites "said presence information comprising a plurality of parts, at least one of said parts comprising *information identifying an application* for which said at least one part is intended." The other independent claims include this feature as well, in one form or another. The presence information mentioned in the claims includes information that identifies an application for a particular part of the presence information. Such a feature is helpful in situations where a device may be utilizing a number of applications that use different types or formats of presence information. As such, a part of the presence information may be directed to a specific application, rather than providing general information about the user or a device.

Similar to the content of the Office Action, the Examiner's Answer attacks the claims by stating that Mathis contributes to the cited combination in a manner that teaches or suggests this feature of having presence information that includes "information identifying and application." However, Mathis fails in this regard, and the Examiner's Answer does not reveal anything about the content of Mathis reference that would support the rejection.

In the Response to Arguments section, the Examiner first cites to Mathis at Column 2, Lines 50-60 for allegedly describing the "information identifying an application" that is included in the presence information. However, this portion of Mathis (i.e., the first paragraph of the Detailed Description) does not describe anything akin to information identifying an application, nor does it provide any context to the subject matter of Mathis that would prove helpful in developing a correlation to the subject matter of the claims. This portion of Mathis merely describes the use of a "contact list" and "contact list information." The contact list, as provided by Mathis, is a list of contacts (i.e., people or organizations), not a form of presence information that identifies applications with respect to various parts of the presence information. A contact list, as considered within the context of Mathis, includes names, telephone numbers, and the like. It appears that the basis for citing this portion of Mathis is to indicate that an application is

involved in the use of the contact list. However, merely because an application uses the contact list, does not mean that the contact list identifies an application.

The Examiner's Answer also cites that Column 2, Lines 6-65 of Mathis. While the Examiner's Answer does not clearly indicate how this portion relates to claim language, it appears to be focusing on two services or applications are used within the context of Mathis. In this regard, the cited portion describes the use of "a presence service that distributes information on the user status, and a transmission service that transmits a message to a particular user." Examiner's Answer Pg. 21. This discussion of the two services does not appear to have any relevance to the issue of whether Mathis teaches or suggests the use of presence information with parts that identify an application. One might argue that these services could be correlated to applications. However, there is no indication that these services are identified by the presence information. As such, the Examiner's Answer does not clearly state whether this portion is relied upon to disclose presence information as indicated in the claims, but it clearly does not describe anything akin to presence information with parts that identify an application.

FIG. 1 of Mathis is also cited in the section of the Examiner's Answer that is addressing the information identifying an application being included in the presence information. FIG. 1 of Mathis, provided below, is relied upon for its disclosure of the contact list. However, the relationship that the Examiner is drawing between the contact list of Mathis and the information identifying an application in the presence information of the claims continues to be unclear, if any exists at all. The contact lists in FIG. 1 clearly indicate that the contents include identities for users, not applications as stated in the claims. In conjunction with the citation to FIG. 1, the

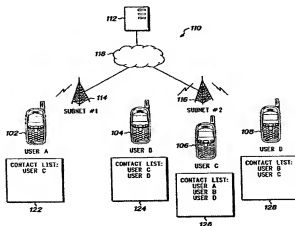


FIG. 1

Examiner's Answer also cites to Column 3, Lines 13-25, but this citation merely supports the content of FIG. 1 and describes the devices included in FIG. 1, without providing any subject matter that can be correlated to the presence information as recited in the claims.

In addition to citing to these portions of Mathis for allegedly teaching or suggesting presence information including information that identifies an application, the Examiner's Answer also cites to various portions of Philonenko. The citations are the same or similar to those that were provided in the Office Action, and, as such, have been duly addressed in the Appellant's Appeal Brief.

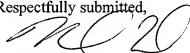
However, within the various citations to Philonenko, the Examiner's Answer does express what appears to be a new position that paragraph [0111] of Philonenko can be correlated to the information identifying an application in the presence information. Paragraph [0111] describes a technique where an agent that subscribes to the presence information of a particular individual ("Joe Customer") can determine, based on presence information, when Joe is offline. If Joe's device is offline for a predetermined period of time, then Joe may be determined to be "AWAY" and, a pager medium may be provided as the preferred callback option to reach Joe.

While this portion of Philonenko bears a relationship to the use of presence information, it still fails to support a rejection for teaching or suggesting "said presence information comprising a plurality of parts, at least one of said parts comprising information identifying an application for which said at least one part is intended...." The Examiner's Answer appears to be indicating that, since the presence information of Philonenko can be used to determine that the pager is a preferred means for communication, then the presence information must therefore include information identifying an application, i.e., the use of a pager. However, the information in the presence information does not identify the application that is intended for that part of the presence information. To the contrary, it appears that Philonenko is describing the use of information that is not "intended" for a particular application as stated in the claims. Rather, this information appears to be application agnostic, since different forms of communications (i.e., applications, as provided by the Examiner's Answer) are identified as being preferred only after the passage of time, and not through the use of "information identifying an application for which said at least one part is intended." This is clearly the case since, prior to the expiration of the predetermined period of time, the same presence information would have been used with respect

to – not the pager – but rather a voice-over internet protocol (VoIP) connection, as stated in paragraph [0110]. Therefore, the presence information of Philonenko does not identify an application that the presence information is intended for.

Accordingly, based on the remarks provided herein and in the Appeal Brief, the references are inadequate for the purpose of supporting an obviousness rejection of the claims. As such, the rejection of independent claims 1, 8, 15, and 20, and their respective dependent claims should be reversed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'N. Quirk' with a large, stylized '20' written to the right of the signature.

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